

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 18, 2006

CALL TO PODIUM:

Trudy Schwarz, Community
Planning Director

RESPONSIBLE STAFF:

Trudy Schwarz, Community
Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item
is a public hearing)

Introduced	
Advertised	11/16/2005
	11/23/2005
	12/14/2006
	12/21/2006
Hearing Date	01/03/2006
Record Held Open	03/01/2006
Policy Discussion/From	03/20/2006
Staff	04/03/2006

TITLE: SDP-05-006

This is a Resolution of the Mayor and City Council of Gaithersburg Accepting the Request to Withdraw without Prejudice the Application for The Washingtonian South Ten Property, known as Schematic Development Plan Application SDP-05-006, presently zoned MXD, to amend the Schematic Development Plan to Permit Construction of 348 Multi-Family Condominium Dwelling Units; 202,200 Square Feet Of Office Space; And 52,500 Square Feet of Office/Retail/Restaurant Use; all with Structured Parking. The subject property is located in the Washingtonian Center, Parcel K, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital, and is in the Mixed Use Development (MXD) Zone.

SUPPORTING BACKGROUND:

A Joint Public Hearing was held on January 3, 2006, by the Planning Commission and Mayor and Council. The Staff Analysis was presented to the Planning Commission on February 15, 2006 and the Commission recommended denial of the application. On March 20, the Mayor and City Council directed staff to prepare a resolution of denial of the application. Mr. Kline submitted a letter to the Mayor and City Council asking for consideration of elderly housing or withdrawal of the application. The Mayor and City Council at their April 3, 2006, meeting, directed staff to prepare a resolution of withdrawal, subject to receipt of a letter requesting such. Mr. Kline wrote that letter on April 6, 2006.

Attached:

Resolution of Withdrawal

Letter from Mr. Jody S. Kline, dated April 6, 2006

DESIRED OUTCOME:

Vote on Resolution

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850(301) 762-5212
FAX (301) 762-6044

JSKLINE@MMCANBY.COM

April 6, 2006

PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
GLENN M. ANDERSON
DONNA E. MCBRIDE
MICHAEL G. CAMPBELL
SOO LEE-CHOMr. Greg Ossont
Director
City of Gaithersburg
Department Planning and Code Enforcement
31 South Summit Avenue
Gaithersburg, MD 20877RE: Schematic Development Plan Amendment Application No. SDP-05-006;
Application of Morgan Group, Inc.

Dear Mr. Ossont:

At its meeting on Monday, April 3rd, the City Council elected not to encourage a further amendment of Schematic Development Plan Amendment Application No. SDP-05-006. Accordingly, as set forth in my most recent letter on behalf of Morgan Group, Inc., the applicant wishes to withdraw Application No. SDP-05-001. Please accept this letter as the formal action of The Morgan Group, Inc. withdrawing Schematic Development Plan Amendment No. SDP-05-001.

Thank you for your attention to this matter.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline

JSK/dlt

cc: Trudy Schwarz
Fred Felton
Jon Wood
Mike Watkins
Brian Donnelly
Mike WorkoskyJ:\MORGAN\16299 - Washingtonian Center\Ossont ltr05.doc
4/12/2006 8:50:00 AM

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
GAITHERSBURG ACCEPTING THE REQUEST TO WITHDRAW WITHOUT
PREJUDICE THE APPLICATION FOR THE WASHINGTONIAN SOUTH TEN
PROPERTY, KNOWN AS SCHEMATIC DEVELOPMENT PLAN APPLICATION
SDP-05-006, PRESENTLY ZONED MXD, TO AMEND THE SCHEMATIC
DEVELOPMENT PLAN TO PERMIT CONSTRUCTION OF 348 MULTI-FAMILY
CONDOMINIUM DWELLING UNITS; 202,200 SQUARE FEET OF OFFICE
SPACE; AND 52,500 SQUARE FEET OF OFFICE/RETAIL/RESTAURANT USE;
ALL WITH STRUCTURED PARKING

SDP-05-006

WHEREAS, said application was subject to review before the Mayor and City Council and the Planning Commission; and

WHEREAS, Jody S. Kline, Esquire,, the applicant on Schematic Development Plan SDP-05-006, on behalf of the Morgan Group, Inc., has submitted a request to withdraw said application; and

WHEREAS, the Mayor and City Council have agreed to allow the withdrawal:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that pursuant to the applicant's request, they do hereby accept and grant the request to withdraw without prejudice Schematic Development Plan SDP-05-006.

ADOPTED by the Mayor and City Council this 18th day of April, 2006.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 18th day
of April, 2006.

David B. Humpton, City Manager